

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

PANDORA SHELTON

Plaintiff,

JURY TRIAL DEMAND

v.

**ALLIANT CAPITAL MANAGEMENT LLC,
Defendant.**

Case: 4:23-cv-12548
Judge: Behm, F. Kay
MJ: Ivy, Curtis
Filed: 10-10-2023
CMP Pamela Shelton v. Alliant Capital Management (tt)

COMPLAINT AND DEMAND FOR JURY

I. INTRODUCTION

1. This is an action for actual and statutory damages brought by Plaintiff Pandora Shelton an individual consumer, against Defendant, Alliant Capital Management for violations of the Fair Debt Collection Practices Act, 15 U.S.C § 1692 et seq. (hereinafter “FDCPA”), which prohibits debt collectors from engaging in abusive, deceptive, and unfair collection practices.

II. JURISDICTION AND VENUE

2. The court has jurisdiction under 15 U.S.C § 1692k (d) and 28 U.S.C § 1331. Venue in this District is proper as the Defendant transacts business in Michigan.

III. PARTIES

3. Plaintiff is a natural person residing in the Eastern District of Michigan. Plaintiff is a consumer as defined by the Fair Debt Collection Practices Act, 15 U.S.C. § 1692a (3).
4. Upon information and belief, Defendant principal place of business is 1965 Sheridan Drive, Suite 100, Buffalo, New York 14223.
5. Defendant is engaged in the collection of debt from consumers using the mail and telephone. Defendant regularly attempts to collect consumers' debts alleged to be due to another. Defendant is a "debt collector" as defined by the FDCPA, 15 U.S.C. 1692a (6).

IV. FACTS OF THE COMPLAINT

6. Defendant attempting to collect a debt that arose from a transaction in which the money, property, insurance or services which are the subject of the transaction are primarily for personal, family, or household purposes.
7. On or around September 14, 2023, Plaintiff received a email from defendant attempting to collect an alleged debt in the amount of \$911.30 allegedly owed to Tempoe LLC. **(Please see Exhibit A)**
8. On or around September 14, 2023, Plaintiff responded "I Refuse to Pay This Alleged of \$911" pursuant to 15 U.S.C 1692c (c). **(Please see Exhibit A).**
9. Despite receiving Plaintiff's notice, Defendant continued its attempts to contact Plaintiff via email on October 4, 2023, in violation of 15 U.S.C. § 1692c (c). **(Please see Exhibit B).**
10. Defendant used unconscious means to collect on this alleged debt for their financial gains, as this unlawful tactic was not a result of a bona fide error, as the continual nature of defendant violations and its persistence in attempting to collect the alleged debt

post Plaintiffs clear communication of a refusal to pay strongly suggest a willful disregard for the FDCPA, rather than a bona fied error.

11. Plaintiff has and continues to suffer actual damages as a result of the illegal debt collection communications by Defendant in the form of anxiety, decreased ability to focus on tasks while at work, frustration, emotional distress, and other negative emotions.

12. Defendant has disturbed plaintiffs' peace, blood pressure and her right to be free of communication from the defendant seeking collection of the debt at issue. The anxiety and worry were caused by concerns if defendant was going to continue their unlawful collection communication.

V. FIRST CLAIM FOR RELIEF

13. Plaintiff re-alleges and reincorporates all previous paragraphs as if fully set out herein.

14. Defendant violated the FDCPA. Defendant's violations include, but are not Limited to, the following:

15. Defendant violated 15 U.S.C § 1692c(c) of the FDCPA by failing to cease collection after receiving written notice.

16. Defendant violated 15 U.S.C § 1692f of the FDCPA by using unfair and unconscious means to collect on the alleged debt.

17. As a result of the above violations of the FDCPA, Defendant is liable to Plaintiff for actual damages and statutory damages pursuant to 15 U.S.C § 1692k.

VI. JURY DEMAND AND PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully demands a jury trial and requests that

judgment be entered in favor of Plaintiff and against Defendant for:

- A. Judgment for the violations occurred for violating the FDCPA;
- B. Actual damages;
- C. Statutory damages;
- D. For such other and further relief as the Court may deem just and proper.

Dated: October 9, 2023,

Respectfully Submitted

/s/ Pandora Shelton

Email: Pandorashelton51@gmail.com

Exhibit A



Pandora Shelton <[redacted]>

Your Account

2 messages

Alliant Capital Management LLC <billing@alliantcapital.net>

Thu, Sep 14 at 12:15 PM

Alliant Capital Management LLC 1965 Sheridan Drive, Suite 100, Buffalo, NY 14223 - Toll Free 877-957-8334
www.alliantcapital.net

PANDORA SHELTON
534 NOTRE DAME
GROSSE POINTE, MI, 48230

Thursday, September 14, 2023

Our Reference # 4718454
Current Creditor: Security Credit Services, LLC
Current Creditors Account # 3931613
Original Creditor: TEMPOE LLC
Original Acct # G9GRQH2
Current Account Balance \$911.30

PANDORA SHELTON,

We have been trying to contact you about the above referenced account that was placed in our office.

We understand that sometimes things happen in life that put people financially behind. That is why our representatives are available to work with you.

For your convenience, please contact one of our trained representatives to see what options are available for you or if you do not want to speak to anyone, you can make a payment and review your account online at
<https://www.alliantcapital.net/online-payment>

Please contact us directly at 877-957-8122 to speak to a representative. Representatives are available Monday through Thursday 9:00 am to 6:00 pm eastern standard time (EST) or Friday 9:00 am - 3:00 pm EST.

This communication is from a debt collector. This is an attempt to collect a debt and any information obtained will be used for that purpose.

NOTICE: SEE FOLLOWING PAGE FOR IMPORTANT INFORMATION

Please Note: We are required under state law to notify consumers of the following rights. This list does not contain a complete list of the rights consumers have under state and federal laws.

California Residents: The state Rosenthal Fair Debt Collection Practices Act and the federal Fair Debt Collection Practices Act require that, except under unusual circumstances, collectors may not contact you before 8 a.m. or after 9 p.m. They may not harass you by using threats of violence or arrest or by using obscene language. Collectors may not use false or misleading statements or call you at work if they know or have reason to know that you may not receive personal calls at work. For the most part, collectors may not tell another person other than your attorney or spouse, about your debt. Collectors may contact another person to confirm your location or enforce a judgment. For more information about debt collection activities, you may contact the Federal Trade Commission at 1-877-FTC-HELP or www.ftc.gov.

You may request records showing the following: (1) that Alliant Capital Management has the right to seek collection of

Exhibit A

Commerce and Insurance.

Wisconsin Residents: This collection agency is licensed by the Division of Banking in the Wisconsin Department of Financial Institutions, www.wdfr.org

To unsubscribe from future emails please Click [Unsubscribe](#)

Pandora Shelton <pandorashelton51@gmail.com>

Thu, Sep 14 at 12:21 PM

To: Alliant Capital Management LLC <billing@alliantcapital.net>

I refuse to pay this alleged debt of \$911!

[Quoted text hidden]



Exhibit B



Pandora Shelton <pandorashelton51@gmail.com>

Your Account

Alliant Capital Management LLC <billing@alliantcapital.net>
To: <PANDORASHELTON51@gmail.com>

Wed, Oct 4 at 1:43 PM

Alliant Capital Management LLC: 1965 Sheridan Drive, Suite 100, Buffalo, New York 14223 - Toll Free 877-957-8334
www.alliantcapital.net

PANDORA SHELTON
534 NOTRE DAME
GROSSE POINTE, MI, 48230

Wednesday, October 4, 2023

Our Reference #: 4718454
Current Creditor: Security Credit Services, LLC
Current Creditors Account #: 3931613
Original Creditor: TEMPOE LLC
Original Acct #: G9GRQH2
Current Account Balance: \$911.30

PANDORA SHELTON,

Security Credit Services, LLC has authorized us to provide you with the following offer. We will accept \$729.04 to fully satisfy your obligations on this account.

Upon clearance of the funds, your account will be satisfied for less than the original balance and you will be released from any further obligations regarding this matter. This offer expires October 18, 2023. We are not obligated to renew this offer.

For your convenience, you can make payments and access your account information 24 hours a day, seven days a week at <https://www.alliantcapital.net/online-payment>.

Please contact us directly at 877-957-8334 to obtain additional information. Representatives are available Monday through Thursday 9:00 am to 6:00 pm eastern standard time (EST) or Friday 9:00 am - 3:00 pm EST.

This communication is from a debt collector. This is an attempt to collect a debt and any information obtained will be used for that purpose.

Please Note: We are required under state law to notify consumers of the following rights. This list does not contain a complete list of the rights consumers have under state and federal laws.

California Residents: The state Rosenthal Fair Debt Collection Practices Act and the federal Fair Debt Collection Practices Act require that, except under unusual circumstances, collectors may not contact you before 8 a.m. or after 9 p.m. They may not harass you by using threats of violence or arrest or by using obscene language. Collectors may not use false or misleading statements or call you at work if they know or have reason to know that you may not receive personal calls at work. For the most part, collectors may not tell another person other than your attorney or spouse, about your debt. Collectors may contact another person to confirm your location or enforce a judgment. For more information about debt collection activities, you may contact the Federal Trade Commission at 1-877-FTC-HELP or www.ftc.gov.

You may request records showing the following: (1) that Alliant Capital Management has the right to seek collection of

JS 44 (Rev. 10/20)

CIVIL COVER SHEET

County in which action arose: _____

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff Wayne
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
19405 Kingville Harpers Woods, Mi.
(313) 464-5057
4285

DEFENDANTS

Alliant Capital Management LLC
County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (if known):

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1. U.S. Government Plaintiff ☒ Federal Question (U.S. Government Not a Party)
- ☐ 2. U.S. Government Defendant ☐ 4. Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|-------------------------------------|--------------------------|--|-------------------------------------|--------------------------|
| | PTV | DEF | | PTD | DEF |
| Citizen of This State | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1. Incorporated or Principal Place of Business in This State | <input type="checkbox"/> | <input type="checkbox"/> |
| Citizen of Another State | <input type="checkbox"/> | <input type="checkbox"/> | 2. Incorporated and Principal Place of Business in Another State | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> | <input type="checkbox"/> | 3. Foreign Nation | <input type="checkbox"/> | <input type="checkbox"/> |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Includes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 110 Airplane <input type="checkbox"/> 115 Airplane Product Liability <input type="checkbox"/> 120 Assault, Libel & Slander <input type="checkbox"/> 130 Federal Employers' Liability <input type="checkbox"/> 140 Marine <input type="checkbox"/> 145 Marine Product Liability <input type="checkbox"/> 150 Motor Vehicle <input type="checkbox"/> 155 Motor Vehicle Product Liability <input type="checkbox"/> 160 Other Personal Injury <input type="checkbox"/> 162 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 165 Personal Injury - Product Liability <input type="checkbox"/> 167 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 168 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 170 Other Fraud <input type="checkbox"/> 171 Truth in Lending <input type="checkbox"/> 180 Other Personal Property Damage <input type="checkbox"/> 185 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 680 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 850 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HHA (1195(f)) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 410 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable Sat TV <input type="checkbox"/> 850 Securities Commodities Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

- ☒ Original Proceeding ☐ 2. Removed from State Court ☐ 3. Remanded from Appellate Court ☐ 4. Reinstated or Reopened ☐ 5. Transferred from Another District (specify) ☐ 6. Multidistrict Litigation - Transfer ☐ 8. Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity)

15 USC 1692(c)
Brief description of cause:

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions)

JUDGE

DOCKET NUMBER

DATE

10-09-23

SIGNATURE OF ATTORNEY OF RECORD

Pandora Shelton

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

PURSUANT TO LOCAL RULE 83.11

1. Is this a case that has been previously dismissed?

☐ Yes
☒ No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

☐ Yes
☒ No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

Notes :
